

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAY 26 2010

Stephan Harris, Clerk
Cheyenne

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

BEAVER CREEK LAND & CATTLE, LLC,)	
)	
Plaintiff,)	
)	
vs.)	No. 08-CV-00202J
)	
)	
PHILLIP A. WOLF,)	
)	
Defendant.)	

ORDER AWARDING COSTS AND FEES AS SANCTION

On May 3, 2010, this Court entered its "Order Granting Motion for Release of False Liens and Request for Sanctions," (filed April 30, 2010) (Docket Entry 60) awarding plaintiff costs, expenses and attorneys' fees reasonably incurred as a result of the filing of the groundless liens. Pursuant to that Order, plaintiff has submitted its "Application for Attorneys' fees and Costs" (Docket Entry 61), seeking a total award of \$2,815.57. This total amount includes fees for attorneys' time associated with the motion for sanctions in the amount of \$2,780.00, and costs in the amount of \$35.57. The Court has reviewed

plaintiff's submission with respect to the award of attorneys' fees and costs incurred in connection with the plaintiff's motion seeking sanctions and FINDS that the amount of time spent on this matter was reasonable, necessary, and were incurred in connection with the plaintiff's motion for sanctions.

However, the Court FINDS that the hourly billing rate sought for Mr. Getz, an associate at the firm of King & King, \$200.00 per hour, is inconsistent with prevailing rates for associates in this market. Furthermore, there is no evidence before this Court that suggests this rate, for an associate, is reasonable. In January 4, 2010, in Justice v. Crown Cork & Seal Company, Inc., No. 06-CV-66-J, this Court awarded fees for associates in the amount of \$125.00 per hour. The Court is also mindful that this is not a case where attorneys' fees have been awarded pursuant to contract or other fee agreement where a more aggressive fee might possibly be permitted, but are instead being imposed against the defendant as a sanction for improper conduct during this litigation.

It is this Court's opinion, supported by the results of the 2009 Wyoming Bar Survey, that only 17% of the responding attorneys in Wyoming charge more than \$200/hour as their usual hourly rate. The Bar Survey is not considered by this court as an absolute reflection of hourly rates; it is merely

suggestive of an appropriate range of hourly rates that are likely to be charged by attorneys practicing in the State of Wyoming. The rate for Mr. Getz's services will be reduced to \$125/hour. The total award for attorneys' fees will be \$1,737.50 (\$125.00 X 13.9 hours), plus costs in the amount of \$35.57, for a total award for attorneys' fees and costs in the amount of **\$1,773.07**. **It is also noted that the award for attorneys' fees and costs is in addition to the damages award in the amount of \$3,000.00, as set forth in the May 3, 2010 Order.** It is therefore

ORDERED that plaintiff shall be, and is, entitled to recover attorneys' fees and costs from the defendant in the total amount of **\$1,773.07**, as and for sanctions as discussed in this Court's May 3, 2010 Order. It is further

ORDERED that defendant Phillip A. Wolf shall forthwith pay to plaintiff Beaver Creek Land & Cattle, LLC, attorneys fees' and costs for sanctions, as identified in this Court's prior May 3, 2010 Order, the **total sum of \$1,773.07**.

Dated this 26th day of May 2010.


UNITED STATES DISTRICT JUDGE